

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

No. 2:20 cv-01283

CHARLES ELLIS,  
  
PLAINTIFF,

**1<sup>st</sup> AMENDED COMPLAINT FOR DAMAGES  
JURY DEMAND**

v.

KING COUNTY, KING COUNTY ADULT CORRECTIONS )  
AND KING COUNTY CORRECTION OFFICERS J. HEINSOHN, )  
K RAINWATER, J. REYES, R. CHRISTENSON, )  
C. JOHNSON, J. GOLLIHUGH, JOHN DIAZ, OTHER EMPLOYEES AND )  
OR OFFICIALS AND JANE AND JOHN DOE 1-30 ), as Employees )  
and in their Individual Capacities.)

DEFENDANTS.

COMPLAINT FOR DAMAGES

**LAW OFFICES OF OSCAR DESPER**

**I. NATURE OF ACTION**

1.1 Introduction. This is a Civil Rights action brought by Plaintiff Charles Ellis, pursuant to 42 U.S.C. Sec. 1983 and the Fourth, Eight and Fourteenth Amendments against King County, its ‘Officials, Officers and Employees, The King County Adult Corrections Department and King County Corrections Officers, listed in the caption.

1.2 This case arises from assault, excessive force, and the tort of outrage.

1.3 Defendant King County is a Political Subdivision of the State of Washington, which operates jails and other corrections facilities, designed to detain people.

1.4 Among the facilities operated by King County is the “KCCF”, a jail located at 500 Fifth Avenue, in downtown Seattle.

The KCCF is also known as the King County Jail. downtown Seattle.

1.5 At all times relevant here to, the Individual Defendants were acting Under Color of State Law and the authority of their positions, as Officials and or Employees of King County and they are individually liable for their acts and omissions alleged herein.

## II. PARTIES

2.1 Plaintiff Charles Ellis is a resident of King County, Washington.

2.2 Defendants Officers. J. Heinsohn, k. Rainwater, J. Reyes, R. Christenson, C. Johnson and J. Gollihugh and John Diaz, at all times relevant, were employed as Corrections Officers, by the King County Adult Corrections Department and they were acting within the course and scope of their employment, with their Employer, King County and under color of state or local law.

2.3 Defendant King County and King County Adult Corrections are responsible for the actions and activities of Employees of the King County Adult Corrections Department, when King County Employees are acting within the course and scope of their employment.

2.4 John and Jane Doe Officers. There are other unknown King County Correction Officers that participated in the events that formed the bases for this lawsuit. These Officers were acting within the course and scope of their employment with King County and were acting under color of state or local law.

2.5 Defendant John Diaz. Defendant John Diaz is the current Director of the King County Adult Corrections Department. Director Diaz, was at all times, relevant to this case, responsible for the training and supervision of the King County Department of Corrections Officers.

### III. JURISDICTION AND VENUE

3.1 Jurisdiction. Jurisdiction in this Court is based on King County being a Political Subdivision in the State of Washington and the fact that all Defendants reside in the State of Washington.

3.2 Venue. Venue for this action is appropriate in this Court because the events giving rise to the claims, asserted herein, occurred in King County.

3.3 Subject Matter Jurisdiction. This Court has subject matter jurisdiction, because of a Civil Rights Claim being brought pursuant to 28 U.S. C., Sections 1331 and 1334.

3.4 Supplemental Jurisdiction. This Court has supplemental jurisdiction over the Plaintiff's related "State Law Claims", pursuant to 28 U.S.C., section 1367 (a).

3.5 Venue. Venue is proper, pursuant to 28 U.S.C , section 1319 (b).

### IV. FACTS

4.1 On August 28, 2017, Charles Ellis, a 68-year-old African American man, who is 5 feet, 7 inches tall and weighs 160 pounds, went to move his car, which was in the City of Seattle, because it would not start. He and a neighbor were pushing the vehicle as it

45 began to roll down the hill, so he jumped in to try and stop it. Unfortunately, the car ran  
46 into a fire hydrant.

47 4.2 The Seattle Fire Department came to the scene and they called the Seattle Police  
48 Department, hereinafter “SPD”, because they suspected that Mr. Ellis had been drinking.  
49 He was arrested for DUI and he was taken to Harborview Medical Center for a blood  
50 draw. He refused the blood draw.

51 4.3 Thereafter, he was taken to the King County Jail, where his handcuffs were removed by  
52 “SPD” and replaced by King County Corrections Officers handcuffs. On several  
53 occasions, Mr. Ellis requested that the handcuffs be loosened, because they were too  
54 tight.

55 4.4 After one of his requests, one of the King County Corrections Officers tightened the  
56 handcuffs and as a result Mr. Ellis made some derogatory comments to the Officers.

57 4.5 With handcuffs on and his hands behind his back, Officers J. Heinsohn and K. Rainwater,  
58 pulled his handcuffs further up his back and slammed him face first into the floor. ( This  
59 can be clearly seen on the video’s).

60 4.6 Prior to Mr. Ellis being taken to the ground, the video’s clearly show that he made no  
61 aggressive gesture, nor any gesture towards either Officer. One Officer was holding his  
62 left arm and Mr. Ellis posed no immediate threat, of any kind, to any Officer.

63 4.7 In addition, there is no evidence of provocation from Mr. Elli’s and no evidence of  
64 physical provocation from Mr. Ellis, toward any Officer. Prior to being taken down, Mr.  
65 Ellis committed no violent acts and he did not use any force, toward any Officer,  
66 contrary to King County’s assertions. The video’s do not support any argument that the

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force used against Mr. Ellis was either reasonable or necessary, or even remotely justified.

4.8 Once he was forcibly taken down to the floor, Officer J. Heinsohn admitted to elbowing Mr. Ellis in the back four times. As a result, Mr. Ellis had fractured ribs and a cut over his eye, which required stitches.

4.9 Once on the ground, several other officers got involved to hold him down and he was put in a "Figure Four Hold" or had his feet "Hog Tied".

4.10 Mr. Ellis was kept in this position for over 7 minutes and 45 seconds, with knees on his back and neck, even though he was fully restrained and not resisting, and he could not move.

4.11 While on the ground, one of the Officers admitted to putting him in a "Hair Hold", and while doing so, pulled out 11 of his dreadlocks, from the root of his scalp.

4.12 The beating sustained by Mr. Ellis was severe, as evidenced by his bloody face.

4.13 After a Sergeant came to the scene, what looked like a bag was put over his head, (See the video's), and a Nurse decided he should be taken to Harborview Medical Center.

4.14 The force used against Mr. Ellis, was both disproportionate and unnecessary and can only be defined as excessive and abusive. The Officers conduct was totally unreasonable and in violation of King County's use of force policy.

4.15 Although, King County claims that its Officers were acting in self-defense, or out of necessity, because Mr. Ellis posed a threat, absolutely nothing in the video's shows Mr. Ellis touch, hit, bite or gesture, in any aggressive manner, towards any Officer, before he was slammed to the ground, face first, with handcuffs on and his hands behind his back.

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89 4.16 Nothing in the video's shows that any Officer was acting in self-defense, or that Mr.  
90 Ellis behavior posed an immediate threat, to any Officer.

91 4.17 None of the Officers restraints or take down actions complied with King County's  
92 training, de-escalation tactics or use of force policies.

93 4.18 Some of the Officers, involved in this incident, have prior histories of use of excessive  
94 force incidents.

95 4.19 While at the hospital, Mr. Ellis was handcuffed, the entire time. No hospital personnel  
96 looked at his wrist injuries.

97 However, doctors, at the Hospital, determined that Mr. Ellis had the following injuries:

98 1. Right eyebrow laceration, facial trauma, which required stitches.

99 2. Left side closed fractured rib.

100 3. Closed head injury/headaches.

101 4. Head trauma, which loosened his lower front teeth.

102 5. Blurry vision.

103 4.20 In other follow-up medical visits, it was determined that he had the following:

104 . 1. Permanently damaged wrists, from the handcuffs being too tight, and

105 2. Back and neck injuries.

106 4.21 After being treated, Mr. Ellis was returned to the King County Jail and re-booked.

107 However, no re-booking video was made available to his Public Defender, within the 90  
108 day time period, the County is required to keep, and to produce those videos, even  
109 though she was given the initial booking videos and even though she requested all

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discovery. Also, no transport video of him in the van, which had video cameras, was provided, which would show him being transported to and from Harborview.

4.22 Mr. Ellis was charged with DUI and Assault on a Police Officer. All charges were eventually dismissed, after several Court appearances.

4.23 Since this incident, Mr. Ellis has been in counseling, because he has severe psychological trauma, because of this incident.

4.24 Mr. Ellis has experienced physical and emotional harm, as a direct result of this incident.

## V. CAUSES OF ACTION

5.1 First Cause of Action. King County and King County Corrections Officers J. Heinsohn, K. Rainwater and Officer J. Gollihugh, and known and unknown other King County Corrections Officers are liable to the Plaintiff for the tort of assault.

5.2 Second Cause of Action. King County and King County Corrections Officers J. Heinsohn, K. Rainwater and J. Gollihugh, and other known and unknown King County Corrections Officers are liable to the Plaintiff for using excessive force, under color of state or local law, against Mr. Ellis.

5.3 Third Cause of Action. King County and King County Corrections Officers, J. Heinsohn, K. Rainwater and J. Gollihugh and known and unknown officers are liable to the Plaintiff for intentional infliction of emotional distress.

5.4 Fourth Cause of Action. King County and King County Corrections Officer J. Heinsohn

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and K. Rainwater and other officers are liable for negligently using the “Hair Hold” and “Four-Square Tactic”, “Elbow Strikes” and “Knee and Neck Strikes” against Mr. Ellis. King County and Officers J. Heinsohn, K. Rainwater and J. Gollihugh are liable for excessive force.

5.5 Fifth Cause of Action. King County and King County Corrections are liable to the Plaintiff for violation of the Plaintiff’s civil rights, to the extent that the failure to train, supervise and discipline Corrections Officers is a policy, practice, or custom of King County Corrections Department, in violation 42 USC Sec. 1983.

5.6 Sixth Cause of Action. King County and King County Corrections are liable for Negligence, under Washington State law.

5.7 Seventh Cause of Action. King County and the King County Corrections Department are liable for all damages under 42 U.S.C., section 1983 for emotional, economic, nominal, and punitive damages and under Washington State Law, general, physical and pain and suffering damages, as well as attorney fees and cost, under both Federal and State law.

## VI. LIKELIHOOD OF AMENDMENT

6.1 There is a substantial likelihood that the Plaintiff may seek to amend the Complaint as discovery and the investigation progress.

6.2 The Plaintiff may add other causes of action under State Law, as revealed by the discovery process.

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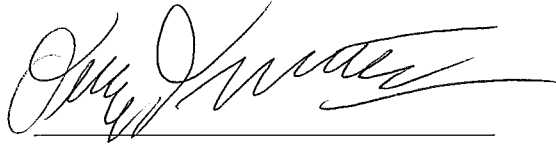
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1. Damages and punitive damages in an amount to be proven at trial. Plaintiff seeks punitive damages against all Defendants.
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just and equitable.

Dated this 28th day of August 2020,



Oscar E. Desper, III,  
WSBA # 18012  
Attorney for Plaintiff, Charles Ellis